

**The Protect-  
Democracy  
Project**

December 21, 2018

**Via ECF**

The Honorable Judge Lorna G. Schofield  
United States District Court for the Southern District of New York  
Courtroom 1106  
40 Centre Street  
New York, NY 10007

Re: *PEN American Center, Inc. v. Trump*, No. 1: 18-cv-09433-LGS

Dear Judge Schofield:

Plaintiff submits this letter in response to Defendant's request for a pre-motion conference on its motion to stay discovery pending the outcome of its anticipated motion to dismiss. Pursuant to the Court's Order this afternoon, ECF No. 26, Plaintiff will file its amended complaint on January 18, 2019, and will appear at the pre-motion conference on February 12, 2019, as ordered by the Court. Plaintiff does not oppose Defendant's motion for a stay of discovery, but disagrees with Defendant's contention that the strength of Defendant's forthcoming dispositive motion weighs in favor of a stay. Plaintiff's complaint plausibly alleges multiple acts of retaliation against journalists and media companies by the President of the United States to punish them for their speech in violation of the First Amendment. Plaintiff has stated claims on which relief may be granted, has both organizational and representational standing to sue, and this Court has jurisdiction to enter the relief the Plaintiff requests. Plaintiff's amended complaint will add allegations relevant to Plaintiff's standing and conduct by the Defendant that has occurred since the filing of the original complaint. For those reasons, Plaintiff expects that this Court will deny Defendant's motion to dismiss and that there will be discovery in this case.

Respectfully submitted,



Kristy Parker

Cc: All Counsel of Record (via ECF)